

REFERENCE TITLE: clean elections; complaints; standing

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2655

Introduced by
Representatives Murphy: Burges, Groe, Konopnicki, Weiers JP

AN ACT

AMENDING SECTION 16-957, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS
CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-957, Arizona Revised Statutes, is
4 amended to read:

5 16-957. Enforcement procedure

6 A. THE COMMISSION MAY ACT ON A COMPLAINT REGARDING A PARTICIPATING
7 CANDIDATE ONLY IF IT IS FILED BY A PERSON AS PRESCRIBED IN SUBSECTION C OF
8 THIS SECTION, AND NO OTHER PERSON HAS STANDING TO INITIATE ANY ACTION BY THE
9 COMMISSION. THE COMMISSION SHALL INVESTIGATE BOTH THE PERSON WHO IS THE
10 SUBJECT OF THE COMPLAINT AND THE PERSON FILING THE COMPLAINT. THE COMMISSION
11 SHALL EXAMINE BOTH PARTIES TO THE COMPLAINT TO THE SAME LEVEL OF DETAIL AND
12 SHALL USE THE SAME STANDARD OF REVIEW IN MAKING ITS FINDINGS. If the
13 commission finds that there is reason to believe that a person has violated
14 any provision of this article, the commission shall serve on that person an
15 order stating with reasonable particularity the nature of the violation and
16 requiring compliance within fourteen days. During that period, the alleged
17 violator may provide any explanation to the commission, comply with the
18 order, or enter into a public administrative settlement with the commission.

19 B. Upon expiration of the fourteen days, if the commission finds that
20 the alleged violator remains out of compliance, the commission shall make a
21 public finding to that effect and issue an order assessing a civil penalty in
22 accordance with section 16-942, unless the commission publishes findings of
23 fact and conclusions of law expressing good cause for reducing or excusing
24 the penalty. The violator has fourteen days from the date of issuance of the
25 order assessing the penalty to appeal to the superior court as provided in
26 title 12, chapter 7, article 6.

27 C. ~~Any~~ ONLY A candidate in a particular election contest who believes
28 that any opposing candidate has violated this article for that election may
29 file a complaint with the commission requesting that action be taken pursuant
30 to this section. If the commission fails to make a finding under subsection
31 A of this section within thirty days after the filing of such a complaint,
32 the candidate may bring a civil action in the superior court to impose the
33 civil penalties prescribed in this section. IF THE COMMISSION DOES NOT MAKE
34 A TIMELY FINDING AND THE CANDIDATE DOES NOT FILE A CIVIL ACTION WITHIN
35 THIRTY-FIVE DAYS AFTER THE FILING OF THE COMPLAINT, THE COMPLAINT IS DEEMED
36 CLOSED AND DISMISSED AND ANY SUBSEQUENT COMPLAINT ON THE SAME FACTS IS
37 PRECLUDED.

38 Sec. 2. Requirements for enactment; three-fourths vote

39 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
40 section 16-957, Arizona Revised Statutes, as amended by this act, is
41 effective only on the affirmative vote of at least three-fourths of the
42 members of each house of the legislature.